

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID ELIJAH BOWERS, JR.,

Petitioner,

v.

ORDER

09-cv-52-bbc

Warden WILLIAM POLLARD,
Security Director PETER ERICKSEN,
Correctional Officer L.T. MARK LESATZ,
Correctional Officer TRAVIS S. CAUL,
District Attorney JOHN P. ZAKOWSKI,
Public Official DONALD ZULDMULDER,
State Agent NINUKA CANADY,
State Supervisor SARAH WATSON,
Assist. Attorney General FRANCIS X. SULLIVAN,
Public Official PAUL R. VAN GRUNSVEN,
Public Official MARK J. MCGINNIS,
Warden MICHAEL THURMER,
Security Director DON STRAHOTA and
Deputy Warden MICHAEL MEISNER,

Respondents.

Petitioner David Bowers, a prisoner at the Waupun Correctional Institution in Waupun, Wisconsin, has submitted a proposed complaint. He has not paid the \$350 filing fee or submitted a certified copy of his six-month trust fund account statement. Therefore,

I construe petitioner's complaint to include a request for leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Petitioner's initial partial payment cannot be calculated until he submits a copy of his six-month trust fund account statement.

Petitioner's complaint was submitted on January 23, 2009. His trust fund account statement should cover the six-month period beginning approximately July 21, 2008 and ending approximately January 23, 2009. Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner may have until February 19, 2009, in which to submit a trust fund account statement for the period beginning July 21, 2008 and ending January 23, 2009. If, by February 19, 2009, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court

is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 29th day of January, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge